

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

CRAIG WILSON, ERIC BELLAMY,
KENDAL NELSON, and MAXIMINO
NIEVES, on behalf of themselves and those
similarly situated,

Petitioners,

v.

MARK WILLIAMS, warden of Elkton
Federal Correctional Institutions; and
MICHAEL CARVAJAL, Federal Bureau of
Prisons Director, in their official capacities,

Respondents.

Case No. 20-cv-0794

Judge James Gwin

FIFTH JOINT MOTION FOR STAY OF ALL PROCEEDINGS

Petitioners Craig Wilson, Eric Bellamy, Kendal Nelson, and Maximino Nieves, and Respondents Mark Williams and Michael Carvajal (collectively, the “Parties”) jointly move this Court to extend the stay of all proceedings in this matter for a further fourteen (14) days, through December 17, 2020. *See* ECF No. 211 (first joint motion for stay through October 9, 2020); ECF No. 228 (second joint motion for stay through October 30, 2020); ECF No. 243 (third joint motion for stay through November 16, 2020); ECF No. 254 (fourth joint motion for stay); November 19, 2020 Order (staying the case through December 3, 2020). The Parties have continued to make substantial progress in settlement discussions, but the Parties require additional time to negotiate a few remaining terms to resolve this matter. The Parties request this additional time in order to reach an agreed resolution.

Specifically, the Parties request that all pending briefing deadlines, discovery, rulings on pending motions, and other actions in this litigation be suspended for the requested stay period. Respondents stipulate that they will continue filing daily testing status reports during the stay

period. The Parties further agree that the requested stay is not, in and of itself, to impact BOP's operations, but rather would be applicable only to this litigation itself.

Dated: December 2, 2020

Respectfully submitted,

/s/ David J. Carey (by consent)

David J. Carey (0088787)
ACLU of Ohio Foundation
1108 City Park Avenue, Ste. 203
Columbus, OH 43206
Phone: (614) 586-1972
Fax: (614) 586-1974
dcarey@acluohio.org

Freda J. Levenson (0045916)
ACLU of Ohio Foundation
4506 Chester Avenue
Cleveland, OH 44102
Phone: (614) 586-1972
Fax: (614) 586-1974
flevenson@acluohio.org

David A. Singleton (0074556)
Mark A. Vander Laan (0013297)
Michael L. Zuckerman (0097194)
Ohio Justice & Policy Center
215 East Ninth Street, Suite 601
Cincinnati, OH 45202
Phone: (513) 421-1108
dsingleton@ohiojpc.org
mvanderlaan@ohiojpc.org
mzuckerman@ohiojpc.org

Counsel for Petitioners

JUSTIN E. HERDMAN
United States Attorney

By: /s/ James R. Bennett II
James R. Bennett II (OH #0071663)
Sara E. DeCaro (OH #0072485)
Assistant United States Attorneys
United States Courthouse
801 West Superior Ave., Suite 400
Cleveland, Ohio 44113
216-622-3988 - Bennett
216-522-4982 - Fax
James.Bennett4@usdoj.gov
Sara.DeCaro@usdoj.gov

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2020, the foregoing was filed with the Court's CM/ECF system. Notice of this filing will be sent by operation of that system to all counsel of record.

/s/ David J. Carey
David J. Carey (0088787)

Counsel for Petitioners